

**FILED**

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EASTERN DISTRICT OF CALIFORNIA  
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John Fratus #V74577

P.O. Box 290066

Represas, CA 95671

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

John Fratus (Plaintiff)  
V.

C.O. Gomez, C.O. John Doe  
# 1-4

CASE NO. 2:21-cv-1867 - DMC PC

COMPLAINT FOR MONETARY  
DAMAGES CIVIL RIGHTS  
ACT 42 U.S.C. § 1983

I DO HAVE PREVIOUS LAWSUITS

JURISDICTION

- ① This action is brought pursuant to 42 U.S.C. § 1983. Therefore jurisdiction is proper under 28 U.S.C. §§ 1331 and 1343

VENUE

- ② All of the events giving rise to the complaint and allegations within this complaint took place in California State Prison - Sacramento "CSP-SAC", therefore Venue is proper under 28 U.S.C. § 1391 (b)(2).

①

## INTRODUCTION

③ This action seeks monetary damages pursuant to, and brought under, 42 U.S.C. § 1983 against prison officials for violation of Plaintiff John Fratus' right to be free from cruel and unusual punishment as protected by the 8th Amendment of the U.S. Constitution. Specifically at issue is Plaintiff John Fratus' right to be free from the use of excessive force and to have personal safety.

## PARTIES

- ④ The Plaintiff John Fratus was incarcerated at California State Prison - Sacramento "CSP-SAC" during the events described in this complaint.
- ⑤ Defendant J. Gomez is a Correctional Officer employed at CSP-SAC. He is sued in his individual capacity.
- ⑥ John Doe # 1, 2, 3, and 4 are all Correctional Officers employed at CSP-SAC. These 4 defendants are sued in their individual capacity. Plaintiff needs to conduct discovery to obtain the names of Doe 1, 2, 3, 4.

## FACTS

- ① On 5.23.2020 Plaintiff was housed at CSP-SAC B5 #132. Plaintiff informed the nurse that he was feeling suicidal at 6:00 P.M., "meds."
- ② Plaintiff was then cuffed behind his back and placed into a cage in the rotunda by C.O. Gomez and C.O. Paralta.
- ③ Approx. 30 minutes later C.O. Gomez approaches Plaintiff stating "I need to strip search you".
- ④ Plaintiff removed each piece of clothing and handed it to C.O. Gomez. When Plaintiff was down to just his underwear and shorts he dropped them down around his ankles, squatted down, and coughed. This is standard routine way of being strip searched,
- ⑤ C.O. Gomez was not satisfied with this because he then ordered Plaintiff to "take your underwear all the way off and hand them to me".
- ⑥ this is when the altercation/confrontation began.
- ⑦ Plaintiff stated "No it is not necessary you're trying to humiliate me".

- ⑧ This rotunda cage is in an open public area. There were numerous people around and C.O. Peralta is a female officer.
- ⑨ C.O. Gomez stated "You do what the fuck I say!!!"
- ⑩ Plaintiff then stated "Get the sergeant, I wanna talk to the sergeant".
- ⑪ C.O. Gomez stated "okay" but instead called "back-up" 4 officers but no sergeant. (Total 5 officers including Gomez).
- ⑫ These 5 officers surrounded the cage and were very hostile stating "You do what the fuck we say!!!" "Now take off your underwear".
- ⑬ Plaintiff stated "No I wanna talk to the sergeant".
- ⑭ These 5 officers then opened the cage, grabbed Plaintiff, slammed him against the wall, and stated "We're gonna cut your clothes off you're gonna strip!!!"

- ⑮ Plaintiff stated "Why are you doing this? Why are you trying to humiliate me?"
- ⑯ One officer then stated "If we put you in the shower will you strip in the shower?"
- ⑰ Plaintiff stated "Yes if you place me in the shower or my cell so I can get some privacy I will strip."
- ⑱ They then placed Plaintiff back in the cage and again began ordering Plaintiff to "take your underwear off strip!!!"
- ⑲ Plaintiff again stated "No get the sergeant you can't strip me naked here there is a female officer and lots of inmates present. I will submit to strip search in my cell or shower."
- ⑳ These 5 officers then stated "No we're not gonna bring you to the shower or your cell and we're not gonna get the sergeant. You do what the fuck we say when the fuck we say it."
- ㉑ These 5 officers then opened the cage and physically grabbed Plaintiff,



- ②② Plaintiff would not budge. Plaintiff began stating "I am not resisting, I am not assaultive, Go get the sergeant".
- ②③ Eventually Plaintiff put his hands behind his back and allowed these officers to cuff him.
- ②④ These 5 officers then slammed Plaintiff down to the ground face first and began slapping and punching Plaintiff in the face,
- ②⑤ they called Plaintiff "bitch" and cursed Plaintiff as they assaulted Plaintiff,
- ②⑥ they pulled Plaintiff's shorts down just far enough to expose his buttocks whereas Plaintiff was face/chest down on the floor.
- ②⑦ Plaintiff was laying face/chest flat on the floor with his buttocks exposed while they cursed, slapped, punched, kicked, and assaulted Plaintiff as they cursed him and called him "bitch".
- ②⑧ Eventually they picked Plaintiff up and placed him back into the cage.

(29) That was the end of the incident, the shift changed and new officers arrived.

(30) These 5 officers utilized this use of unnecessary force because Plaintiff refused to take off his underwear but yet after all that Plaintiff still never took off his underwear?!

(31) this "use of force" was pointless.

(32) these officers opened the cage, physically grabbed Plaintiff, slammed him down, slapped him, punched him, cursed him, etc. all for nothing.

(33) Plaintiff received medical attention that night 5.23.2020.

(34) The next day Plaintiff gave his statement to a Sergeant on videocamera who recorded his injuries such as swelling, black eye, busted lip.

(35) On 5.25.2020 Plaintiff was extremely dizzy, the room was spinning, and he was violently vomiting in the toilet.

- ③⑥ On 5.25.2020 Plaintiff was taken to the emergency room for medical treatment.
- ③⑦ Plaintiff suffered a concussion due to head injury / swelling.
- ③⑧ Plaintiff does not know the name of any of these John Doe officers only Gomez, Plaintiff needs to conduct discovery to obtain the names of these officers from reports.

## FIRST CLAIM FOR RELIEF

- ① VIOLATION OF PRISONER'S 8th AMENDMENT RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT "EXCESSIVE FORCE"
- ② Plaintiff realleges and incorporates by reference each allegation of paragraphs one through 38, inclusive, as if herein alleged.
- ③ Defendants officer J. Gomez and John Does



# 1, 2, 3, 4 violated Plaintiff's 8th Amendment right to be free from cruel and unusual punishment in the form of excessive force, by their unnecessary infliction of pain, including physical injury and emotional distress.

④ Specifically defendants Gomez, John Doe # 1, 2, 3, and 4 knowingly, maliciously, and sadistically inflicted physical, emotional, and mental abuse upon Plaintiff when they beat him with excessive force on 5.23.20. Defendants' actions offend contemporary standards of decency.

⑤ Defendants subjected Plaintiff to this physical, emotional, and mental abuse under circumstances that which did not require such.

⑥ Defendants' acts were despicable, knowing, willful, malicious, and carried out with deliberate indifference and reckless disregard for Plaintiff's Federally protected rights.

⑦ As a direct and proximate result of all of the Defendants' actions herein alleged, Plaintiff suffered physical injury. Plaintiff is entitled to an award of compensatory and punitive damages for injuries suffered.

⑧ As a further direct and proximate result of all of the Defendants' actions herein alleged, Plaintiff suffered, and

Continues to suffer, emotional and psychological distress. Plaintiff is entitled to an award of compensatory and punitive damages for his injuries suffered.

## PRAYER FOR RELIEF

Wherefore Plaintiff John Fratus prays for the following relief:

- (A) Compensatory damages from each defendant.
- (B) Punitive damages from each defendant.
- (C) Reasonable attorney's fees pursuant to 42 U.S.C. § 1988.
- (D) Costs of suit; and
- (E) Such further relief that this court deems proper.

## DEMAND FOR JURY TRIAL

Plaintiff John Fratus hereby demands a jury trial.

Signed Under the Penalty of Perjury

Date: 8/12/21

John Fratus  
John Fratus Pro Se  
Plaintiff